

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Exigent Landscaping, LLC,

Debtor.

Case No. 23-46912-TJT
Chapter 7
Hon. Thomas J. Tucker

_____ /

**MOTION FOR ORDER DEEMING CARGO TRAILERS
AS PROPERTY OF THE BANKRUPTCY ESTATE**

Jurisdiction

1. Exigent Landscaping, LLC dba Exigent Design and Build (“Debtor”) filed a petition for relief under Chapter 11 of the U.S. Bankruptcy Code on August 7, 2023 (Docket #1). The case was converted to a Chapter 7 on February 12, 2024 (Docket #152).

2. Chapter 7 Trustee Mark H. Shapiro (“Trustee”) brings this motion under 11 U.S.C. §§ 105 and 541; and Fed. R. Bankr. P. 9014.

3. The Court has jurisdiction over this Chapter 7 bankruptcy case. *See* 28 U.S.C. § 1334. The case, and all related proceedings and contested matters, have been referred to this bankruptcy court for determination. *See* 28 U.S.C. §§ 157(a) and 157(b); and LR 83.50 (E.D. Mich.).

4. This is a core proceeding over which this Court has authority to enter a final order. *See* 28 U.S.C. § 157(b)(2)(A) (matters concerning administration of

the estate) and § 157(b)(2)(O) (other proceedings affecting the liquidation of assets of the estate).

Background

5. In March 2022, the Debtor purchased the following cargo trailers from Maxx Cargo, LLC:

- a. 2021 South Georgia Cargo SG8524TA3 enclosed Trailer, VIN 54GVC24T0M7052074; and
- b. 2022 South Georgia Cargo SG8524TA3 Enclosed Trailer, VIN 54GVC24T5N7056381.

(together, “Trailers”). (Exhibit A, Declaration of the sole member and officer of the Debtor.)

6. The Trailers are required to have certificates of title in Michigan. *See* M.C.L. § 257.216(g).

7. The Debtor did not obtain certificates of title for the Trailers. (Exhibit A.)

8. The Trustee cannot sell the Trailers without obtaining titles.

9. The Michigan Secretary of State informed the Trustee that it will issue certificates of title reflecting the Debtor’s ownership of the Trailers if proof of purchase is provided. Unfortunately, the Debtor paid cash for the Trailers and did not maintain any paperwork from the purchase of the Trailers, except for the attached Invoice. (Exhibit B.)

10. The Trustee issued a subpoena to Maxx Cargo, LLC for the sales documentation (Docket #213), but Maxx Cargo, LLC informed the Trustee that it did not retain the sales documents.

11. The Trailers constitute property of the bankruptcy estate that the Trustee may use, sell, or lease. *See* 11 U.S.C. §§ 363 and 541.

Request for Relief

The Trustee requests that this Court grant his motion as set forth in the attached proposed order and for such further relief as the Court deems appropriate.

Steinberg Shapiro & Clark

/s/ Tracy M. Clark (P60262)
Attorney for Chapter 7 Trustee
25925 Telegraph Rd., Suite 203
Southfield, MI 48033
(248) 352-4700
clark@steinbergshapiro.com

Date: July 30, 2024

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Exigent Landscaping, LLC,
Debtor.

Case No. 23-46912-TJT
Chapter 7
Hon. Thomas J. Tucker

**ORDER DEEMING CARGO TRAILERS AS
PROPERTY OF THE BANKRUPTCY ESTATE**

This matter is before the Court on the Trustee's Motion for Order Deeming Cargo Trailers as Property of the Bankruptcy Estate (the "Motion"; Docket #___).

In the Motion, the Trustee seeks a determination that the following trailers are property of the estate:

- a. 2021 South Georgia Cargo SG8524TA3 enclosed Trailer, VIN 54GVC24T0M7052074; and
- b. 2022 South Georgia Cargo SG8524TA3 Enclosed Trailer, VIN 54GVC24T5N7056381,

("Trailers"). Notice of the Motion was served on Maxx Cargo, LLC, creditors, and interested parties and no objections were timely filed. Having reviewed the Motion and attached Declaration, the Court finds that the Trailers are property of the bankruptcy estate under 11 U.S.C. § 541.

IT IS ORDERED that the State of Michigan, Michigan Department of State shall accept this Order as evidence that ownership of and title to the Trailers is

vested solely in the name of Mark H. Shapiro, Chapter 7 Trustee for the
bankruptcy estate of Exigent Landscaping, LLC, case no. 23-46912-TJT.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Exigent Landscaping, LLC, xx-xxx5176
dba Exigent Design and Build
13246 23 Mile Road
Shelby Township, MI 48315

Case No. 23-46912-TJT
Chapter 7
Hon. Thomas J. Tucker

Debtor.

/

**NOTICE OF MOTION FOR ORDER DEEMING CARGO TRAILERS
AS PROPERTY OF THE BANKRUPTCY ESTATE**

Chapter 7 Trustee Mark H. Shapiro has asked the Court to deem two trailers purchased from Maxx Cargo, LLC as property of the bankruptcy estate. The two trailers are more particularly described as: 2021 South Georgia Cargo SG8524TA3 enclosed Trailer, VIN 54GVC24T0M7052074; and 2022 South Georgia Cargo SG8524TA3 Enclosed Trailer, VIN 54GVC24T5N7056381.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the Trustee's motion, or if you want the Court to consider your views on the motion, then within 14 days from the date of service of this notice, you or your attorney must:

File with the Court a written objection or request for hearing, explaining your position at:¹

U.S. Bankruptcy Court
211 West Fort Street
Detroit, Michigan 48226

¹ Objection or request for hearing must comply with F. R. Civ. P. 8(b), (c), and (e).

If you mail your objection or request for hearing to the Court for filing, you must mail it early enough so the Court will **receive** it before the 14-day period expires. All attorneys are required to file pleadings electronically.

You must also send a copy to:

Tracy M. Clark, Esq.
Steinberg Shapiro & Clark
25925 Telegraph Rd., Suite 203
Southfield, Michigan 48033

If an objection or request for hearing is timely filed, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time, and location of the hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Steinberg Shapiro & Clark

/s/ Tracy M. Clark (P60262)
Attorney for Trustee
25925 Telegraph Rd., Suite 203
Southfield, MI 48033
(248) 352-4700
clark@steinbergshapiro.com

Date: July 30, 2024

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
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CERTIFICATE OF SERVICE

I certify that on July 30, 2024, I served copies as follows:

Documents Served: Motion for Order Deeming Cargo Trailers as Property of
the Bankruptcy Estate; Notice; Certificate of Service

Served Upon: Maxx Cargo, LLC
Attn. Loyd Amerson, Registered Agent
77 Bocage Dr.
Douglas, GA 31535

Document Served: Notice of Motion for Order Deeming Cargo Trailers as
Property of the Bankruptcy Estate

Served Upon: All creditors with timely filed and allowed proofs of
claim (*See* L.B.R. 2002-2)

Method of Service: First Class Mail

/s/ Christine T. Leach, Legal Assistant
Steinberg Shapiro & Clark
Attorneys for Trustee
25925 Telegraph Rd., Suite 203
Southfield, MI 48033
(248) 352-4700
cleach@steinbergshapiro.com

UNITED STATES BANKRUPTCY COURT
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Case No. 23-46912-TJT

Chapter 7

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_____/

EXHIBIT LIST

| Exhibit | Description |
|---------|-------------------------------|
| A | Declaration of Brian Heitmann |
| B | Invoice |

EXHIBIT A

Declaration

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Exigent Landscaping, LLC,

Case No. 23-46912-TJT

Chapter 7

Debtor.

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DECLARATION OF BRANDON HEITMANN

Brandon Heitmann states as follows:

1. I am fully competent to testify to all facts stated in this Declaration.
2. I have always been the President and Sole Member of the Exigent Landscaping, LLC ("Exigent").
3. In March 2022, Exigent purchased the following cargo trailers from Maxx Cargo, LLC:
 - a. 2021 South Georgia Cargo SG8524TA3 enclosed Trailer, VIN 54GVC24T0M7052074; and
 - b. 2022 South Georgia Cargo SG8524TA3 Enclosed Trailer, VIN 54GVC24T5N7056381.

("Cargo Trailers")

4. When Exigent's Chapter 7 bankruptcy case was filed, it owned the Cargo Trailers.

5. I gave an Exigent employee cash from Exigent to purchase the trailers for Exigent and when he came back with the trailers, he didn't have the titles with him. I have no reason to believe that the purchased trailers were not free and clear when my employee came back with the trailers..

I declare under penalty of perjury that the foregoing is true and correct.

Brandon Heitmann
60749 Forest Creek Dr.

Washington Twp., MI 48094

Date: July 24, 2024

EXHIBIT B

Invoice



Maxx Cargo, LLC
912-391-2138

1505 E Ward St.
Douglas, Georgia
31533
United States

Billed To: Brandon Heitmann
Date of Issue: 3/30/2022
Invoice Number:
Amount Due (USD):

| Description | Rate | Qty | Line Total |
|---|----------------------|-----|------------|
| 2022 24ft white enclosed cargo trailer 12" Ex H 5200 lbs Axle 10 k GVW Vin # S46VC24TSN70S6381 | | 1 | |
| | Subtotal | | |
| | Tax | | |
| | Total Amount Paid | | |
| | Amount Due (USD) | | \$11,000 |

Terms

Thank you for your business.

\$300 Deposit is Required For All Stock Units

\$500 Deposit is Required For All Custom Units

If Paid In Full Using Credit Card, Debit Card Or PayPal There Will Be A 3% Processing Fee Added